

Kansas Statutes Annotated
Community Corrections
75-5290 et seq.

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75-5290. Short title.

This act shall be known and may be cited as the "community corrections act."

History: L. 1978, ch. 364, § 1; April 20.

75-5291. Community correctional services; grants to counties; placement of offenders, limitations; community corrections advisory committee, membership and duties. (a) (1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services that address the criminogenic needs of felony offenders including, but not limited to, adult intensive supervision, substance abuse and mental health services, employment and residential services, and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127 and amendments thereto.

(2) Except as otherwise provided, placement of offenders in community correctional services programs by the court shall be limited to placement of adult offenders, convicted of a felony offense:

(A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes. In addition, the court may place in a community correctional services program adult offenders, convicted of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for nondrug crimes;

(B) whose severity level and criminal history score designate a presumptive prison sentence on either sentencing guidelines grid but receive a nonprison sentence as a result of departure;

(C) all offenders convicted of an offense which satisfies the definition of offender pursuant to K.S.A. 22-4902, and amendments thereto, and which is classified as a severity level 7 or higher offense and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed;

(D) any offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in the offender being required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections;

(E) on and after July 1, 2008, for offenders who are expected to be subject to supervision in Kansas, who are determined to be "high risk or needs, or both" by the use of a statewide, mandatory, standardized risk assessment tool or instrument which shall be specified by the Kansas sentencing commission;

(F) placed in community correctional services programs as a condition of supervision following the successful completion of a conservation camp program; or

(G) who has been sentenced to community corrections supervision pursuant to K.S.A. 2006 Supp. 21-4729, and amendments thereto.

(3) Notwithstanding any law to the contrary and subject to the availability of funding therefor, adult offenders sentenced to community supervision in Johnson county for felony crimes that occurred on or after July 1, 2002, but before July 1, 2008, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10th judicial district. The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this section shall expire on July 1, 2008.

(4) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.

(5) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with

particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert offenders from prison.

(2) The secretary shall appoint one member from the southeast community corrections region, one member from the northeast community corrections region, one member from the central community corrections region and one member from the western community corrections region. The deputy secretary of community and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.

(3) Each member shall be appointed for a term of three years and such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.

(4) The committee, in collaboration with the deputy secretary of community and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:

- (A) Efficiencies in the delivery of field supervision services;
 - (B) effectiveness and enhancement of existing interventions;
 - (C) identification of new interventions; and
 - (D) statewide performance indicators.
- (5) The committee's report concerning enhanced or new interventions shall address:
- (A) Goals and measurable objectives;
 - (B) projected costs;
 - (C) the impact on public safety; and
 - (D) the evaluation process.

(6) The committee shall submit its report to the secretary annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget request for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.

History: L. 1978, ch. 364, § 2; L. 1980, ch. 288, § 1; L. 1982, ch. 182, § 144; L. 1989, ch. 92, § 31; L. 1997, ch. 179, § 6; L. 1998, ch. 153, § 1; L. 2000, ch. 182, § 11; L. 2002, ch. 177, § 2; L. 2003, ch. 135, § 8; L. 2004, ch. 160, § 1; L. 2006, ch. 172, § 2; July 1.

75-5291a.

History: L. 1978, ch. 364, § 2; L. 1980, ch. 288, § 1; L. 1982, ch. 182, § 144; L. 1989, ch. 92, § 31; L. 1997, ch. 156, § 90; Repealed, L. 1998, ch. 153, § 2; July 1.

75-5292. Same; qualifications; powers of county commissioners preserved; cooperative agreements. (a) Subject to the other provisions of the community corrections act, each county may qualify to receive grants under such act by complying with the provisions of K.S.A. 75-52,110, and amendments thereto.

(b) Subject to the requirements of centralized administration and control of correctional services under K.S.A. 75-52,110, and amendments thereto, and the provisions of agreements between cooperating counties under subsection (c), the respective boards of county commissioners shall retain all authority for the expenditure of moneys, including grants received under such act, and for the implementation and oversight of the operations under the comprehensive plan approved by the secretary of corrections. The comprehensive plan shall be reviewed and approved by the board of county commissioners of each county to which the plan pertains prior to submission to the secretary of corrections for approval.

(c) The boards of county commissioners of all counties cooperating together to establish a corrections advisory board and to adopt a comprehensive plan pursuant to such act may enter

into cooperative agreements to qualify their respective counties for grants under such act. Such counties shall cooperate and enter into such agreements for all purposes of such act in the manner prescribed by K.S.A. 12-2901 through 12-2907 and amendments thereto, to the extent that those statutes do not conflict with the provisions of such act.

History: L. 1978, ch. 364, § 3; L. 1989, ch. 92, § 6; L. 2004, ch. 160, § 2; July 1.

75-5293. Grants for expense of corrections advisory boards of county or group of cooperating counties without an approved plan.

In order to assist a county or group of cooperating counties which has established a corrections advisory board but which does not have a comprehensive plan which has been approved by the secretary of corrections and which requires financial aid to defray all or part of the expenses incurred by corrections advisory board members in discharging their official duties pursuant to K.S.A. 75-5299 and amendments thereto, the secretary of corrections, upon receipt of resolutions by the board or boards of county commissioners, or the administrative authority established by cooperating counties, certifying the need for and inability to pay such expenses, may pay quarterly to the county or counties an amount determined by the secretary based on existing experience of other corrections advisory boards.

History: L. 1978, ch. 364, § 4; L. 1989, ch. 92, § 7; L. 1993, ch. 197, § 1; July 1.

75-5294 Assistance to counties and advisory boards by secretary of corrections; administration of act; rules and regulations.

- (a) In accordance with K.S.A. 77-415 et seq., and amendments thereto, the secretary of corrections shall adopt rules and regulations necessary for the implementation and administration of this act and as prescribed by this act. The secretary of corrections shall provide consultation and technical assistance to counties and corrections advisory boards to aid them in the development of comprehensive plans under this act.
- (b) This act shall be administered by the secretary of corrections or by officers and employees of the department of corrections designated by the secretary to the extent that authority to do so is delegated by the secretary, except that the authority to adopt rules and regulations under this act shall not be delegated.

History: L. 1978, ch. 364, § 5; April 20.

75-5295. Powers of counties or groups of counties under act.

For the purposes of this act and to provide for the correctional services described in K.S.A. 75-5291 and amendments thereto, a county or group of cooperating counties, through their boards of county commissioners, or administrative bodies established by cooperating counties, may:

- (a) Acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and equipment necessary and incidental to such purposes;
- (b) enter into contracts, which are necessary and incidental to such purposes;
- (c) determine and establish the administrative structure best suited to the efficient administration and delivery of such correctional services;
- (d) employ a director and such other officers, employees, and agents as deemed necessary to carry out the provisions of this act;
- (e) make grants in accordance with the comprehensive plan of funds provided by grant payments under K.S.A. 75-52,105 and amendments thereto to corporations organized not for profit, for development, operation and improvement of such correctional services; and
- (f) use unexpended funds, accept gifts, grants and subsidies from any lawful source, and apply for, accept and expend federal funds.

History: L. 1978, ch. 364, § 6; L. 1989, ch. 92, § 8; Jan. 1, 1990.

75-5296. Comprehensive plans for correctional services, approval prerequisite for grants; additional requirements; operating standards; annual review; suspension of grants, procedure.

- (a) Except as provided in K.S.A. 75-5293 and amendments thereto, no county shall be qualified to receive grants under this act unless and until the comprehensive plan for

such county, or the group of counties with which such county is cooperating, is approved by the secretary of corrections.

- (b) The secretary of corrections shall adopt rules and regulations establishing additional requirements for receipt of grants under this act, standards for the operation of the correctional services described in K.S.A. 75-5291 and amendments thereto and standards for performance evaluation of the correctional services described in K.S.A. 75-5291 and amendments thereto. In order to remain eligible for grants the county or group of cooperating counties shall substantially comply with the operating standards established by the secretary of corrections.
- (c) The secretary of corrections shall review annually the comprehensive plans submitted by a county or group of cooperating counties and the facilities and programs operated under such plans. The secretary of corrections is authorized to examine books, records, facilities and programs for purposes of recommending needed changes or improvements.
- (d) In reviewing the comprehensive plan or any annual recommendations or revisions thereto, the secretary of corrections shall limit the scope of the review of the corrections advisory board's statement of priorities, needs, budget, policies and procedures, to the determination that such statement does not directly conflict with rules and regulations and operating standards adopted pursuant to subsection (b) and the community corrections act under K.S.A. 75-5290 et seq., and amendments thereto.
- (e) When the secretary of corrections determines that there are reasonable grounds to believe that a county or group of cooperating counties is not in substantial compliance with the minimum operating standards adopted pursuant to this section, at least 30 days' notice shall be given the county or to each county in the group of cooperating counties and a hearing shall be held in accordance with the provisions of the Kansas administrative procedure act to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. If the secretary of corrections determines at such hearing that there is not substantial compliance or satisfactory progress being made toward compliance, the secretary of corrections may suspend all or a portion of any grant under this act until the required standards of operation have been met.

History: L. 1978, ch. 364, § 7; L. 1988, ch. 356, § 306; L. 1989, ch. 92, § 9; L. 1993, ch. 197, § 2; July 1.

75-5297. Corrections advisory boards; membership, qualifications, appointment; alternative membership, qualification and appointment provisions for cooperating counties. (a) Subject to the other provisions of this section, each corrections advisory board established under this act shall consist of 12 or more members who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services and the general public and shall be appointed as follows:

- (1) The law enforcement representatives shall be:
 - (A) The sheriff or, if two or more counties are cooperating, the sheriff selected by the sheriffs of those counties, or the designee of that sheriff, and
 - (B) the chief of police of the city with the largest population at the time the board is established or, if two or more counties are cooperating, the chief of police selected by the chiefs of police of each city with the largest population in each county at the time the board is established, or the designee of that chief of police, except that for purposes of this paragraph (1) in the case of a county having consolidated law enforcement and not having a sheriff or any chiefs of police, "sheriff" means the law enforcement director and "chief of police of the city with the largest population" or "chief of police" means a law enforcement officer, other than the law enforcement director, appointed by the county law enforcement agency for the purposes of this section;
- (2) the prosecution representative shall be the county or district attorney or, if two or more counties are cooperating, a county or district attorney selected by the county and district attorneys of those counties, or the designee of that county or district attorney;

- (3) the judiciary representative shall be the chief judge of the district court of the judicial district containing the county or group of counties or, if two or more counties in two or more judicial districts are cooperating, the chief judge of each such judicial district, or a judge of the district court designated by each such chief judge;
- (4) the education representative shall be an educational professional appointed by the board of county commissioners of the county or, if two or more counties are cooperating, by the boards of county commissioners of those counties;
- (5) a court services officer designated by the chief judge of the district court of the judicial district containing the county or group of counties or, if counties in two or more judicial districts are cooperating, a court services officer designated by the chief judges of those judicial districts;
- (6) the board of county commissioners of the county shall appoint or, if two or more counties are cooperating, the boards of county commissioners of those counties shall together appoint three additional members of the corrections advisory board or, if necessary, additional members so that each county which is not otherwise represented on the board is represented by at least one member of such board; and
- (7) three members of the corrections advisory board shall be appointed by cities located within the county or group of cooperating counties as follows:
 - (A) If there are three or more cities of the first class, the governing body of each of the three cities of the first class having the largest populations shall each appoint one member;
 - (B) if there are two cities of the first class, the governing body of the larger city of the first class shall appoint two members and the governing body of the smaller city of the first class shall appoint one member;
 - (C) if there is only one city of the first class, the governing body of such city shall appoint all three members; and
 - (D) if there are no cities of the first class, the governing body of each of the three cities having the largest populations shall each appoint one member.
- (b) If possible, of the members appointed by the boards of county commissioners in accordance with subsection (a)(6) and by the governing bodies of cities in accordance with subsection (a)(7), members shall be representative of one or more of the following:
 - (1) Parole officers;
 - (2) public or private social service agencies;
 - (3) ex-offenders;
 - (4) the health care professions; and
 - (5) the general public.
- (c) At least two members of each corrections advisory board shall be representative of ethnic minorities and no more than 2/3 of the members of each board shall be members of the same sex.
- (d) In lieu of the provisions of subsections (a) through (c), a group of cooperating counties as provided in subsection (a)(2) of K.S.A. 75-52,110 and amendments thereto may establish a corrections advisory board which such board's membership shall be determined by such group of counties through cooperative action pursuant to the provisions of K.S.A. 12-2901 through 12-2907 and amendments thereto, to the extent that those statutes do not conflict with the provisions of this act, except that if two or more counties in two or more judicial districts are cooperating, the chief judge of each such judicial district, or a judge of the district court designated by each such chief judge shall be a member of such board. In determining the membership of the corrections advisory board pursuant to this subsection, such group of counties shall appoint members who are representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services and the general public. Any corrections advisory board established and the membership determined pursuant to this subsection shall be subject to the approval of the secretary of corrections.

History: L. 1978, ch. 364, § 8; L. 1984, ch. 112, § 16; L. 1989, ch. 92, § 10; L. 1999, ch. 57, § 69; July 1.

75-5298. Corrections advisory boards; terms; vacancies; officers; open proceedings, rules.

- (a) Members of a corrections advisory board appointed in accordance with K.S.A. 75-5297 and amendments thereto shall serve for terms of two years from and after the date of their appointment and shall remain in office until their successors are duly appointed. All vacancies in a corrections advisory board shall be filled for the unexpired term in the manner that the position was originally filled. Each corrections advisory board shall elect its own officers.
- (a) All proceedings of the corrections advisory board and any committee or subcommittee of the board shall be open to the public in accordance with and subject to the provisions of K.S.A. 75-4317 to 75-4320, inclusive, and acts amendatory thereto. All votes of members of the corrections advisory board shall be recorded and shall become matters of public record.
- (c) The corrections advisory board shall promulgate and implement rules concerning the conduct of proceedings and attendance of members at board meetings.

History: L. 1978, ch. 364, § 9; L. 1990, ch. 323, § 1; April 19.

75-5299. Same; participation in formulating comprehensive plans.

Corrections advisory boards established under the provisions of this act shall actively participate in the formulation of the comprehensive plan for the development, implementation and operation of the correctional services described in K.S.A. 75-5291 in the county or group of cooperating counties, and shall make a formal recommendation to the board or boards of county commissioners at least annually concerning the comprehensive plan and its implementation and operation during the ensuing year.

History: L. 1978, ch. 364, § 10; April 20.

75-52,100. Purchase of correctional services from state under comprehensive plans; determination of costs, grant deductions.

Any comprehensive plan submitted pursuant to this act may include the purchase of selected correctional services from the state by contract, including the temporary detention and confinement of adults convicted of crime. The secretary of corrections shall annually determine the costs of the purchase of services under this section and deduct them from the grant payable to the county or, in the case of cooperating counties, the grants payable to the counties. In no case shall the charges for correctional services under such contract with the state exceed in cost the amount of the grant the county is eligible or, in the case of cooperating counties, the total amount of the grants the counties are eligible to receive under this act.

History: L. 1978, ch. 364, § 11; L. 1979, ch. 297, § 1; July 1.

75-52,101.

History: L. 1978, ch. 364, § 12; L. 1980, ch. 288, § 2; L. 1980, ch. 284, § 20; L. 1988, ch. 349, § 1; Repealed, L. 1989, ch. 92, § 37; Jan. 1, 1990.

75-52,102. Comprehensive plans for correctional services; requirements; new program proposals.

- (a) The comprehensive plan submitted to the secretary of corrections for approval shall include those items prescribed by rules and regulations adopted by the secretary, which may require the inclusion of the following:
- (1) A program for the detention, supervision and treatment of persons under pretrial detention or under commitment;
 - (2) delivery of other correctional services defined in K.S.A. 75-5291 and amendments thereto; and
 - (3) proposals for new facilities, programs and services, which proposals must include a statement of the need, purposes and objectives of the proposal and the administrative structure, staffing pattern, staff training, financing, degree of

community involvement and client participation which are planned for the proposal.

- (b) In addition to the foregoing requirements made by this section, each county or group of counties shall be required to develop and implement a procedure for the review by the corrections advisory board and the board or boards of county commissioners of new program applications and other matters proposed to be included under the comprehensive plan and for the manner in which corrections advisory board action shall be taken thereon. A description of this procedure shall be made available to members of the public upon request.

History: L. 1978, ch. 364, § 13; L. 1989, ch. 92, § 11; Jan. 1, 1990.

75-52,103. Grants; expenditures for correctional services, determined pursuant to 75-52,111; grant reductions; transfer of grant amounts to other counties.

- (a) Except as provided in K.S.A. 75-5293 and amendments thereto, each grant under this act shall be expended by the county receiving it for correctional services as described in K.S.A. 75-5291 and amendments thereto in addition to the amount required to be expended by such county under this section. Each calendar year in which a county receives grant payments under K.S.A. 75-52,105 and amendments thereto, the county shall make expenditures for correctional services as described in K.S.A. 75-5291 and amendments thereto from any funds other than from grants under this act in an amount equal to or exceeding the amount of base year corrections expenditures as determined by the secretary of corrections under subsection (b).
- (b) The secretary of corrections shall audit and determine the amount of the expenditures for correctional services as described in K.S.A. 75-5291 and amendments thereto of each county applying for a grant as provided in K.S.A. 75-52,111.
- (c) In any case where a county receiving a grant does not make expenditures for correctional services from funds other than from grants under this act as required by this section, the grant to such county for the next ensuing calendar year shall be reduced by an amount equal to the amount by which such county failed to make such required amount of expenditures.
- (d) The secretary of corrections may provide, by rules and regulations, procedures for the following, as determined by the secretary to further the purposes of this act:
 - (1) The transfer, to one or more other counties, of any portion of a county's annual grant which is not included in such county's program budget for the current program year; and
 - (2) the transfer, to one or more other counties, of any portion of a county's annual grant which remains unused at the end of such county's program year and is not included in such county's program budget for the ensuing program year.
- (e) Except as otherwise provided pursuant to subsection (d), if a county does not expend the full amount of the grant received for any one year under the provisions of this act, the county shall retain the unexpended amount of the grant for expenditure for correctional services as described in K.S.A. 75-5291 and amendments thereto during any ensuing calendar year. The secretary of corrections shall reduce the grant for the ensuing calendar year by an amount equal to the amount of the previous year's grant which was not expended and was retained by the county, unless the secretary finds that the amount so retained is needed for and will be expended during the ensuing calendar year for expenditures under the applicable comprehensive plan.

History: L. 1978, ch. 364, § 14; L. 1979, ch. 297, § 2; L. 1988, ch. 349, § 2; L. 1989, ch. 92, § 12; Jan. 1, 1990.

75-52,104.

History: L. 1978, ch. 364, § 15; L. 1979, ch. 297, § 3; L. 1980, ch. 288, § 3; L. 1980, ch. 299, § 3; L. 1982, ch. 357, § 28; L. 1982, ch. 182, § 145; L. 1983, ch. 140, § 48; L. 1983, ch. 296, § 1; L. 1984, ch. 332, § 2; L. 1987, ch. 351, § 1; Repealed, L. 1988, ch. 349, § 4; May 19.

- 75-52,105. Semiannual grant payments; certified expenditure statements by counties. (a) Upon compliance by a county or group of counties with the requirements for receipt of the grants authorized by the community corrections act and approval of the comprehensive plan by the secretary of corrections, the secretary of corrections shall determine the amount of the annual grant to each such county and, commencing on the next ensuing January 1 or July 1 after approval of the comprehensive plan, shall proceed to pay such grant in equal semiannual payments in accordance with and subject to such act, applicable rules and regulations, and the provisions of appropriations acts.
- (b) On a quarterly basis, each county receiving semiannual grant payments under such act shall submit to the secretary of corrections certified statements detailing the amounts expended and costs incurred for the correctional services described in K.S.A. 75-5291, and amendments thereto. Upon receipt of such certified statements, the secretary of corrections shall determine whether each such county is in compliance with the expenditure and operation standards prescribed under such act for such services and shall determine the semiannual payment amount each such county is entitled to receive after making any adjustments for reductions or charges as required by or in accordance with such act and applicable rules and regulations.
- (c) Semiannual grant payments for counties entitled thereto under such act shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of corrections or by a person or persons designated by the secretary of corrections to the county treasurers of such counties.
- History:* L. 1978, ch. 364, § 16; L. 1992, ch. 189, § 1; L. 2004, ch. 160, § 3; July 1.

75-52,106.

History: L. 1978, ch. 364, § 17; L. 1984, ch. 332, § 3; *Repealed*, L. 1989, ch. 92, § 37; Jan. 1, 1990.

75-52,107. State and county purchase of correctional services from grant-receiving counties.

- (a) The secretary of corrections may contract for any correctional services described in K.S.A. 75-5291 and amendments thereto from any county or group of cooperating counties which are receiving grants under this act, including services for inmates classified minimum security or less.
- (b) Any county may contract for any correctional services described in K.S.A. 75-5291 and amendments thereto from any county or group of cooperating counties which are receiving grants under this act, regardless of whether such county or group of counties is in the same judicial district as the county contracting for such services.

History: L. 1978, ch. 364, § 18; L. 1988, ch. 349, § 3; L. 1990, ch. 323, § 2; April 19.

75-52,108.

History: L. 1978, ch. 364, § 19; *Repealed*, L. 1989, ch. 92, § 37; Jan. 1, 1990.

75-52,109.

History: L. 1984, ch. 332, § 1; L. 1986, ch. 123, § 29; L. 1986, ch. 338, § 1; *Repealed*, L. 1988, ch. 349, § 4; May 19.

- 75-52,110. Required participation by counties in community corrections, options; chief judge, recommendations. (a) Before July 1, 1990, each county in this state, based on the recommendation from the chief judge of the judicial district in which each such county is located as provided in subsection (b), shall have:
- (1) Established a corrections advisory board in accordance with K.S.A. 75-5297 and amendments thereto and adopted a comprehensive plan for the development, implementation, operation and improvement of the correctional services described in K.S.A. 75-5291 and amendments thereto which has been approved by the secretary of corrections and which, in addition to such matters as are prescribed by rules and

- regulations of the secretary of corrections, provides for centralized administration and control of the correctional services under such plan;
- (2) entered into an agreement with a group of cooperating counties to establish a regional or multi-county community correctional services program; established a corrections advisory board in accordance with K.S.A. 75-5297 and amendments thereto; and adopted a comprehensive plan for the development, implementation, operation and improvement of the correctional services described in K.S.A. 75-5291 and amendments thereto which has been approved by the secretary of corrections and which, in addition to such matters as are prescribed by rules and regulations of the secretary of corrections, provides for centralized administration and control of the correctional services under such plan. Such group of counties may comply with the provisions of this subsection through cooperative action pursuant to the provisions of K.S.A. 12-2901 through 12-2907 and amendments thereto, to the extent that those statutes do not conflict with the provisions of this act; or
 - (3) contracted for correctional services described in K.S.A. 75-5291 and amendments thereto from any county or group of cooperating counties, as provided in K.S.A. 75-52,107 and amendments thereto, which are receiving grants under this act.
 - (b) Before September 15, 1989, the chief judge in each judicial district shall make a recommendation to the board of county commissioners in each county in such judicial district which has not established a program to provide for the correctional services described in K.S.A. 75-5291 and amendments thereto, as to which option provided in subsection (a) each such county in such judicial district should choose to comply with the provisions of this act.

History: L. 1989, ch. 92, § 1; L. 1999, ch. 57, § 70; July 1.

75-52,111. Community corrections grants; determination of grant amounts, minimum; reductions, guidelines; grant budget requests; increased amounts.

- (a) On or before each July 1, the secretary of corrections shall determine annually the amount of the grant for the ensuing fiscal year for each county or group of counties which has qualified to receive grants as provided in this section.
- (b)
 - (1) For each county or group of counties entitled to receive grants prior to July 1, 1990, the secretary of corrections shall determine on or before each January 1 the amount of the grant for the ensuing fiscal year based on the fiscal year 1989 per capita costs of such county or group of counties and the budget request of each county or group of counties for additional grant moneys submitted to the secretary as provided by subpart (2). The per capita costs of each county or group of counties shall be determined by dividing the amount of the fiscal year 1989 grant of such county or group of counties by the number of individuals served by the community correctional services program of such county or group of counties during fiscal year 1989. Subject to the other provisions of this subsection, the amount of the ensuing fiscal year grant for a county or group of counties shall be an amount equal to the fiscal year 1989 per capita costs, as determined pursuant to this subsection, multiplied by the number of individuals to be served by the community correctional services program of such county or group of counties during the ensuing fiscal year. Except as provided in this subsection for reduction of a grant with respect to certain community correctional services, no grant for a county or group of counties which received a grant for fiscal year 1989 shall be less than the amount of the grant funds expended by the county or group of counties during fiscal year 1989, if such county or group of counties continues to serve, or is projected to serve, at least the same number of persons as served during fiscal year 1989 and continues to provide the same community correctional services as provided during fiscal year 1989, as provided by K.S.A. 75-5291 and amendments thereto. The secretary of corrections may reduce the grant of a county or a group of counties with respect to certain community correctional services determined by the secretary subject to

limitations provided in this subsection. The determination to reduce the grant of a county or group of counties by the secretary shall be based on the following criteria, whether: Staffing levels exceed levels justified by active cases under supervision; one-time expenditures such as renovation or construction costs, major equipment purchases or capital acquisitions were a factor in the fiscal year 1989 base; administrative costs were excessive; funded contracts for services remain unused for an unreasonable period of time; any unreasonable indirect costs were factored into or allowed in the fiscal year 1989 base; client numbers were reduced; caseload projections were supported by historical experience; excessive travel costs outside the program area were a factor in the fiscal year 1989 base; contracted services' costs factored into the fiscal year 1989 base are significantly higher than other programs of the department of correction's experienced costs; and whether shrinkage factors, vacancy savings and turnover rates are relevant factors for consideration. Except as provided in K.S.A. 75-52,105 and amendments thereto, the secretary may reduce a grant to a county or group of counties only at the time the county or group of counties submits its annual budget request to the secretary for determination of such county or group of counties annual grant amount as provided in this section.

- (2) As a part of such county's or group of counties' budget request submitted to the secretary, the county or group of counties may request a higher grant amount than determined as provided in subpart (1) for new or expanded programs as provided in K.S.A. 75-52,102 and amendments thereto and increased amounts as determined in subpart (1) for inflationary costs. The secretary shall determine such additional grant amount for such new or expanded programs based on existing experience of other programs offering similar programs.
- (c) On or before July 1, 1990, each county or group of counties applying to receive a grant for the first time shall submit a budget request to the secretary. The secretary shall determine the amount of the grant for such county or group of counties based on existing experience of similar programs. For each fiscal year thereafter, the amount of the grant for such county or group of counties shall be determined as provided in subsection (b), except that the grant received by such county or group of counties pursuant to this subsection shall not be less than the amount of the grant received by such county or group of counties during the first year of operation, if such county or group of counties continues to serve at least the same number of persons as served during the first year of operation and continues to provide the same community correctional services as provided during the first year of operation, as provided by K.S.A. 75-5291 and amendments thereto. The per capita costs of such county or group of counties for the purposes of determining grants for ensuing fiscal years under this section shall be determined as provided in subsection (b), except that per capita costs shall be based on the first year of operation.
- (d) All determinations of base year per capita costs pursuant to this section, shall include all actual audited costs incurred for approved programs included without limitation as to fixed administrative costs.

History: L. 1989, ch. 92, § 15; L. 1990, ch. 324, § 1; L. 1993, ch. 197, § 3; July 1.

75-52,112, 75-52,113. *Reserved.*

75-52,114.

History: L. 1989, ch. 92, § 14; L. 1990, ch. 324, § 2; *Repealed*, L. 1993, ch. 197, § 4; July 1.

75-52,115.

History: L. 1983, ch. 284, § 1; *Repealed*, L. 1990, ch. 309, § 85; May 24.